

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TRON OMAR HALL,)	
)	
Movant,)	
)	
v.)	No. 4:06-CV-113 CAS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on the motion of Tron Omar Hall to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255.

Background

Movant was convicted of conspiracy to possess with intent to distribute cocaine. See United States v. Hall, No. 4:01-CR-476 CAS (E.D. Mo.). On February 13, 2003, movant was sentenced to 188 months imprisonment and five years supervised release. Id.

Discussion

Movant alleges that his convictions and sentences are invalid under the Supreme Court's decision in Booker v. United States, 125 S. Ct. 738 (2005).

Title 28 U.S.C. § 2255 now provides that a one-year period of limitations applies to § 2255 motions. As applied to this case, movant had until approximately February 27, 2004, to file a § 2255 motion. The instant § 2255 motion was not filed until January 10, 2006. Therefore, the instant § 2255 motion is untimely.

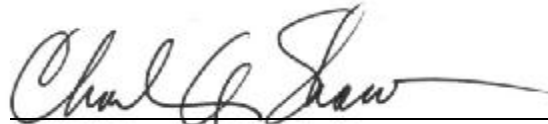
Movant argues that the instant motion is timely under § 2255(3) which provides that the

limitations period may run from “the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review.” 28 U.S.C. § 2255(3). The Supreme Court’s decision in Booker, however, does not apply retroactively to cases on collateral review. See Never Misses A Shot v. United States, 413 F.3d 781, 783-85 (8th Cir. 2005).

In accordance with the foregoing,

IT IS HEREBY ORDERED that movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is **DISMISSED**. [Doc. 1]

An appropriate order of dismissal shall accompany this memorandum and order.

A handwritten signature in black ink, appearing to read "Charles A. Shaw", written over a horizontal line.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 15th day of March, 2006.